REMARKS

The Examiner has required an election under 35 U.S.C. § 121 of one of the following inventions:

Group I: Claims 1-22 and 26-27 drawn to a method of treating cancer using a high affinity adenosine A_3 receptor antagonist and a chemotherapeutic cancer agent, classified in class 514, subclass 449, among others; and

Group II: Claims 23-25, drawn to a method of treating cancer using a high affinity adenosine A_3 receptor antagonist, an adenosine-5'-triphosphate depleting agent and a chemotherapeutic cancer agent, classified in class 514, subclass 449, among others.

Claims 1-27 are pending in the instant application. The Examiner has required restriction of these claims to one of two inventions, Groups I and II as discussed above. The Examiner has additionally required an election of a single species of high affinity adenosine A3 receptor antagonist, of an adenosine-5'-triphosphate depleting agent and of a chemotherapeutic cancer agent.

Applicants respectfully traverse the Restriction Requirement and request that the Examiner reconsider the restriction, since even assuming, *arguendo*, that Groups I and II represent distinct or independent inventions, to search and examine the subject matter of both Groups together would not be a serious burden on the Examiner. The M.P.E.P. § 803 (Eighth Edition August 2001, Latest Revision February 2003) states

> If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

Applicants respectfully assert that the subject matter of the claims of Groups I and II are so intertwined that a single search that would identify any relevant art pertaining to method of treating cancer using a high affinity adenosine A_3 receptor antagonist and a chemotherapeutic cancer agent would also include any relevant art pertaining to method of treating cancer using a high affinity adenosine A_3 receptor antagonist, a chemotherapeutic cancer agent and an adenosine-5'-triphosphate depleting agent. Indeed, the Examiner has even classified these allegedly separate inventions in the same class and subclass, i.e. class 514, subclass 449. Thus, in view of M.P.E.P. § 803, the subject matter of the claims of

Groups I and II should be searched and examined in the subject application. Accordingly, Applicants respectfully request that the Restriction Requirement Under 35 U.S.C. § 121 be withdrawn or modified such that the subject matter of the claims of Groups I and II are examined in one application.

In order to be fully responsive, however, Applicants hereby elect to prosecute the claims of Group II, drawn to a method of treating cancer using a high affinity adenosine A_3 receptor antagonist, a chemotherapeutic cancer agent and an adenosine-5'-triphosphate depleting agent. Applicants also elect 5-[[(4-Methoxyphenyl)amino]carbonyl] amino-8-propyl-2-(2- -furyl)-pyrazolo[4,3-e]1,2,4-triazolo[1,5-c]pyrimidine (also identified as MRE3008F20) as the species of high affinity adenosine A_3 receptor antagonist and docetaxel as the species of chemotherapeutic cancer agent. Finally, applicants elect 2-deoxyglucose as a species of an adenosine-5'-triphosphate depleting agent. Applicants make this election with traverse, without prejudice to applicants' rights to pursue the non-elected subject matter in other applications.

Entry of the remarks made herein is respectfully requested.

Respectfully submitted,

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